

# EXHIBIT A

VOL: I  
PAGES: 1-118  
EXHIBITS: 1-4

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

\*\*\*\*\*  
SHEILA J. PORTER, \*  
Plaintiff \*  
-vs- \* Civil Action  
ANDREA CABRAL; SUFFOLK COUNTY \* No. 04-11935-DPW  
SHERIFF'S DEPARTMENT; SUFFOLK \*  
COUNTY and CORRECTIONAL MEDICAL \*  
SERVICES, INC., \*  
Defendants \*  
\*\*\*\*\*

CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

DEPOSITION OF MARY ELLEN MASTRORILLI, a witness  
called on behalf of the Plaintiff, in the  
above-captioned matter, said deposition being  
taken pursuant to the Federal Rules of  
Civil Procedure, before Patricia M.  
McLaughlin, a Certified Shorthand Reporter and  
Notary Public in and for the Commonwealth of  
Massachusetts, at the offices of Goodwin Procter  
LLP, Exchange Place, Boston, Massachusetts, on  
Monday, June 27, 2005, commencing at 10:05 a.m.

McLAUGHLIN & ASSOCIATES COURT REPORTERS  
92 DEVIR STREET, SUITE 304  
MALDEN, MASSACHUSETTS 02148  
781.321.8922  
WWW.E-STENOGRAPHER.COM

THOMAS R. KILEY, ESQUIRE  
COSGROVE, EISENBERG & KILEY, P.C.  
One International Place, 18th Floor  
Boston, Massachusetts 02110  
On behalf of the Deponent

APPEARANCES:

JOSEPH F. SAVAGE, JR., ESQUIRE

and

DAVID S. SCHUMACHER, ESQUIRE

GOODWIN PROCTER LLP

Exchange Place

Boston, Massachusetts 02109

On behalf of the Plaintiff

ELLEN CAULO, ESQUIRE

GENERAL COUNSEL

Suffolk County Sheriff's Department

200 Nashua Street

Boston, Massachusetts 02114

On behalf of the Defendants,

Andrea Cabral, Suffolk County

Sheriff's Department and Suffolk

County

ALEXANDRA B. HARVEY, ESQUIRE

ADLER, COHEN, HARVEY, WAKEMAN & GUEKGUEZIAN

230 Congress Street

Boston, Massachusetts 02110

On behalf of the Defendant,

Correctional Medical Services, Inc.

I N D E X

WITNESS DIRECT CROSS REDIRECT RECROSS

MARY ELLEN MASTRORILLI

By Mr. Savage 6

By Ms. Caulo 46

By Ms. Harvey 109

37

1 Q And the document you have in front of you  
2 appears to be a document dated October 1,  
3 2001?  
4 A That's right.  
5 Q Is it your understanding that these have been  
6 periodically revised?  
7 A They are normally revised annually.  
8 Q Is it your best memory as you sit here today  
9 that C1 and 2A is the same in substance here  
10 as to what you conveyed to Miss Porter on  
11 June 10th of 2003?  
12 A Yes, it is.  
13 Q And there is nothing in C1 or 2A that  
14 specifically refers to medical information,  
15 is there?  
16 A No, there is not.  
17 Q So the particular policy infraction that you  
18 were flagging was the sharing of confidential  
19 information generally?  
20 A Yes.  
21 Q And that was based on your conversation with  
22 Miss Keeley?  
23 MS. CAULO: Objection.  
24 A Yes.

39

1 A No.  
2 Q In your experience supervising the medical  
3 unit are you aware of whether circumstances  
4 surrounding the timing or form of reports  
5 would be of sufficient seriousness to warrant  
6 barring someone?  
7 A No.  
8 Q What's, in your experience, the typical  
9 sanction if there is a problem with either  
10 the form of a report or the timeliness of a  
11 report?  
12 MS. CAULO: Objection.  
13 A I supposed taking an employee's entire work  
14 history into account it could range from a  
15 verbal warning up to and including  
16 discipline, termination.  
17 Q Whose decision is that?  
18 A Depending on the severity of the sanction, it  
19 could be the immediate supervisor or it could  
20 go as high as the Sheriff in the case of  
21 termination or barring.  
22 Q After you had your meeting with Miss Porter,  
23 did you communicate to anyone that you had  
24 had that meeting?

38

1 Q At that point had anyone at the Suffolk  
2 County Sheriff's Department told you that  
3 Miss Porter had had previous circumstances  
4 where she was called upon to share  
5 information with the FBI?  
6 A No.  
7 Q And if you had known that, would that have  
8 changed your view as to whether she should  
9 have been barred?  
10 MS. CAULO: Objection.  
11 A Yes, it would have.  
12 Q In what way would it have changed your view?  
13 A I believe I would have questioned the  
14 barring.  
15 Q To determine whether people at the  
16 Suffolk County Sheriff's Office had known  
17 about her previous activities?  
18 A That and also the appropriateness of barring  
19 someone who is working with law enforcement.  
20 Q Were there any circumstances surrounding  
21 either the timing or form of Miss Porter's  
22 report to you of the Rene Rosario  
23 observations that she made that would have  
24 justified in your mind barring her?

40

1 A I know that I communicated it -- Sheila left  
2 at about 5 p.m. that evening, and I  
3 communicated it in writing to the lobby  
4 officer so that the lobby officer would be  
5 aware. I believe I communicated it to the  
6 Chief of Staff. That normally would happen  
7 in the sense that when an employee or a  
8 contract employee is barred, that's a pretty  
9 significant event. I probably would have  
10 communicated it to my superiors, as well as  
11 to the shift commander and the lobby officer.  
12 Q And did you create a written document  
13 reflecting the barring?  
14 A Yes, I did.  
15 Q What was that document?  
16 A That was a memo to the lobby officers, the  
17 lobby staff, indicating that effective this  
18 date Sheila Porter would be barred until  
19 further notice, barred from entering the  
20 facility.  
21 Q And do you have a memory of communicating  
22 with either Mr. Bradley or Miss Keeley after  
23 the fact?  
24 A I don't have a specific memory of that,

81

1 realize that one of our contract vendors  
 2 contacted the FBI on a confidential report  
 3 about suspicious bruising?" I didn't tell  
 4 him. I was still waiting for the report to  
 5 tell him. He was the one that had called me  
 6 two days after Donna had informed me.  
 7 Q I'm asking you: Did you tell Viktor Theiss  
 8 in this phone conversation that you said you  
 9 had with him on May 22nd that Donna Jurdak  
 10 said that Sheila Porter had observed  
 11 suspicious bruising on Inmate Rene Rosario  
 12 after she had conducted a routine medical  
 13 examination? Did you tell him that?  
 14 Without looking at the document, did you tell  
 15 Viktor Theiss that?  
 16 A I don't recall. I may have, because I had  
 17 information, and it was certainly not  
 18 information I would have kept from him.  
 19 Q Why was it information that you would not  
 20 have kept him from him? Was there some  
 21 significance to the information that you  
 22 received from Miss Jurdak?  
 23 MR. SAVAGE: Objection.  
 24 A Yes.

83

1 already knew, and we have this thing in  
 2 corrections where, unless it's written down,  
 3 it didn't happen. So I know I was waiting on  
 4 that report to formally give to him. I'm  
 5 thinking that we must have talked about it in  
 6 this conversation, because I think that's why  
 7 he called me.  
 8 Q It's not reflected in your memorandum of  
 9 May 23rd, 2003; is that fair?  
 10 A Right.  
 11 Q There is nothing in there that reflects  
 12 you're advising Mr. Theiss of the information  
 13 you received from Miss Jurdak concerning  
 14 Miss Porter's observations?  
 15 MR. KILEY: That's a question.  
 16 A Yeah, it looks like the FBI informed him of  
 17 the suspicious bruising.  
 18 Q I'm not asking you what it looks like in  
 19 terms of the FBI. There is nothing in  
 20 Paragraph 2 or the first paragraph that would  
 21 reflect that you had, in fact, provided the  
 22 information that you received from Donna  
 23 Jurdak to Viktor Theiss?  
 24 MR. SAVAGE: Objection.

82

1 Q What was that significance?  
 2 A The significance was that suspicious bruising  
 3 had been reported.  
 4 Q Do you have a memory of communicating this  
 5 significant information to Mr. Theiss?  
 6 A I don't recall it specifically, but I may  
 7 have. I certainly would not have kept it  
 8 from him. My intention was to get the report  
 9 from Sheila and give it to him. So I have no  
 10 reason not to tell him. I was waiting for  
 11 the report in order to give it to him. So  
 12 I'm thinking I must have told him, but I  
 13 don't have an explicit recollection of  
 14 telling him.  
 15 Q Why would you need the report before telling  
 16 Mr. Theiss in his capacity as Deputy  
 17 Superintendent of the Sheriff's Investigation  
 18 Division about the significant information  
 19 that you had in your possession?  
 20 MR. SAVAGE: Objection.  
 21 MR. KILEY: Objection. Argumentative.  
 22 You may answer.  
 23 A I wouldn't have kept it from him. I think  
 24 that he may have indicated to me that he

84

1 A Right, right. Yes.  
 2 Q In your mind, why did you say to Viktor, "I  
 3 don't know how you feel about it, but I think  
 4 it is highly inappropriate for a contract  
 5 employee to contact the FBI about a  
 6 Suffolk County inmate without our knowledge"?  
 7 MR. SAVAGE: Objection.  
 8 Q Why did you say that to Viktor?  
 9 A Because it's -- my understanding, it was  
 10 circumventing an already established  
 11 protocol, where if there is suspicious  
 12 bruising, suspicious injury, anything of that  
 13 nature, we have an established protocol  
 14 inside the correctional institution to deal  
 15 with those things. So to circumvent the  
 16 established internal protocol and go to an  
 17 outside agency is considered in corrections a  
 18 clear violation.  
 19 Q Where is this established protocol?  
 20 A It's a correctional convention that you  
 21 exhaust your internal remedies first before  
 22 going to an outside agency. I mean, that's  
 23 always been my understanding, and I believe  
 24 the S220 policy speaks a little bit about

1 divulging information to an outside agency  
2 without authorization.  
3 Q Was that of concern to you?  
4 A Yes, it was.  
5 Q Why was that of concern to you?  
6 A I think it's important for any correctional  
7 agency to be given an opportunity to  
8 investigate its own matters before going to  
9 an outside agency.  
10 Q Directing your attention to the third  
11 sentence of that second paragraph, "I  
12 contacted Viktor and he told me that the FBI  
13 told him they received a confidential report  
14 from a woman named Sheila Porter."  
15 Did I read that correctly?  
16 A Yes?  
17 Q "He said the FBI told him the report  
18 contained information describing regarding  
19 bruises on Inmate Rosario's body specifically  
20 on the arms and in the neck and the chest  
21 areas."  
22 Did I read that correctly?  
23 A Yes, yes.  
24 Q Did you inform Viktor that the information

1 be barred, correct?  
2 A Right.  
3 Q In fact, he told you not to do anything; is  
4 that correct?  
5 A Yes.  
6 Q Did you write this memorandum on a computer  
7 at work, Miss Mastrorilli?  
8 A Yes, I did.  
9 Q When I say this, Exhibit No. 2. Which  
10 computer was that written on?  
11 A The computer that was in my office that was  
12 the area that wasn't far from the visiting  
13 room. I forget the exact room number, but  
14 there was a computer in my office -- no, no,  
15 I wrote it downstairs. I'm getting that job  
16 mixed up with my other job. I wrote it  
17 downstairs on my computer, where there was a  
18 whole collection of offices. There was the  
19 classification office, security office, SID  
20 office. There were a number of us, records,  
21 there were a number of us that were housed in  
22 that area. My office was in that area, and I  
23 did have a computer in that office, yes.  
24 Q Which floor, which building?

1 that you had was that it was substantial  
2 bruising on Mr. Rosario's arms?  
3 A I don't recall specifically whether I told  
4 him that. I'm thinking I must have, because  
5 my intention was to keep him informed with  
6 this information, so I'm thinking I must  
7 have. I don't have a specific recollection.  
8 Q Prior to May 22nd, had you had any  
9 communication with Mr. Theiss concerning the  
10 information that you had received from  
11 Miss Jurdak?  
12 A I don't recall, no.  
13 Q The memorandum that is Exhibit No. 2  
14 indicates that you said, "I then said I would  
15 bar her from entering right now." Is that  
16 what you wrote?  
17 A Yes, yes.  
18 Q Did you feel that Miss Porter in your mind  
19 should be barred from what you understood had  
20 happened?  
21 A From what I understood at that time, yes.  
22 Q You didn't have the authority to bar her?  
23 A That's right.  
24 Q Mr. Theiss didn't recommend to you that she

1 A I believe it's called Building 1, and it's  
2 the first floor. When you enter the  
3 facility, it was next to the shift  
4 commander's office.  
5 Q And you had your own office in that area?  
6 A Yes, I did.  
7 Q Who had access to your office?  
8 A There were some keys that, I think, were  
9 accessible obviously to the key control  
10 officer. I can't remember if another Deputy  
11 Superintendent had a key to my office. For  
12 the most part, those keys were pretty tightly  
13 controlled, but I know that the key control  
14 officer and possibly the Deputy  
15 Superintendent for security and operations  
16 may have had a key to the office as well.  
17 Q Did you share that office with anyone?  
18 A No.  
19 Q Who was your secretary at the time in May or  
20 June of 2003?  
21 A Well, I didn't have a personal secretary.  
22 There was a woman by the name of Karen  
23 Campbell who sat outside these offices, and  
24 she would kind of work as the administrative

# EXHIBIT B

### **PRESS STATEMENT**

The Suffolk County Sheriff's Department issues the following statement in response to the allegations made by a former contract worker in a Boston Globe story.

1. The Sheriff's Department did not fire Ms. Porter. She was employed by Correctional Medical Services and was fired by them for reasons that are known to Ms. Porter and CMS.
2. Ms. Porter was asked to leave the House of Correction because she violated Department regulations and contractual obligations. She is clearly biased and has her own agenda for speaking out at this time.
3. Sheriff Cabral's administration has worked cooperatively and effectively with local, state, and federal authorities on a number of investigations and continues to do so. It would be inappropriate for the Department to comment on any pending investigations.
4. Since November 2002, the Sheriff's Department has thoroughly investigated every complaint filed by an inmate, and has proactively investigated wrongdoing by officers that has resulted in 34 officers being terminated and dozens disciplined.
5. Sheriff Cabral has addressed and remedied the concerns raised in the Stern Commission report. She has installed video recording on cameras throughout the HOC, established an off site training academy that to date has trained 70 new correctional officers, expanded the training curriculum and conducted specialized training for over 200 veteran officers. The Department also successfully partnered with Boston Police and the Secret Service during the recent DNC.

Contact Director of Communications  
Steve Tompkins  
617-828-5134

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